REMARKS

I. Amendment to the Claims

Upon entry of the foregoing amendment, twenty-eight (28) claims are pending in the application. Of the pending claims, three (3) claims are independent. Claim Nos. 18-35 have been canceled, and Claim Nos. 36-46 have been added.

II. Claim Rejections under 35 U.S.C. § 102

The Examiner has rejected Claim Nos. 1-14 and 17 as being anticipated by U.S. Patent No. 5,966,531 (the "Skeen" patent) under 35 U.S.C. §102(e). In support of this ground of rejection, the Examiner has concluded that Skeen discloses all of the elements set forth in the claims. The Examiner does not specifically identify the particular functions and features described by Skeen which correspond to the elements recited in the pending claims. Instead, the Examiner cites to several columns of the specification in Skeen and notes that other passages and figures may also apply to the claimed invention and requests applicant to fully consider the cited reference. Applicant has fully evaluated the Skeen reference and respectfully submits that it does not teach the present invention in as complete detail as is recited in the pending claims. Skeen uses the same state of the art processing of files that the present invention avoids by its use of the arbiter system. Skeen uses communications interface modules and target format-specific tables in the decoupling of applications from the data format which actually teaches away from the present invention in which data information is included in the text files so that the arbiters can process the files independently of the communication interface between computers.

To establish anticipation of the present invention, Skeen must disclose the invention as set forth in the claim: "A claim is anticipated only if each and every element as set forth in the

claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As also set forth in M.P.E.P. §2131, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that Skeen fails to teach each element of the present invention.

With respect to Claim No. 1, Skeen does not teach an arbiter of a first process which can detect a second process' text file in a scratch space and can also process the second process' text file. In Skeen, the communications interface controls the transfer of data files between processes (Col. 8, lines 7-32) and provides the data file to the application in the conventional manner so the applications in Skeen do not act like an arbiter to detect a text file. For this reason, Skeen fails to disclose the identical invention as recited by Claim No. 1. Accordingly, applicant respectfully traverses the rejection of Claim No. 1 because Skeen fails to disclose, teach or otherwise suggest the relationships as particularly claimed between the arbiter and the text file. Applicant submits that Claim No. 1 should be found allowable without amendment based on the prior art of record, including the Skeen reference.

The use of the arbiters in the communication process of the present invention is fundamentally different from Skeen's use of the communications interface modules for the applications on the host computers (10, 12). According to Skeen, the purpose of the communications interface modules (20, 22) is to decouple the details of the data format and organization of data in forms used by different application programs (16, 18) as well as the network address of the application receiving the data files and the communication protocols of the particular application programs and the communication protocol of sending data across a

network (Column 8, lines 33-48). Since the communication interface modules in Skeen handle the network addressing for the application receiving the data files, the data files do not include the address for the application and the applications process the data files as instructed through the communication interface. In comparison, the arbiters of the present invention actually determine whether the text file includes a match for its associated process so there is no decoupling of the text files from the address of the processes to which they belong. Applicant has amended Claim No. 2 and added Claim No. 37 to particularly express this difference between the present invention and Skeen. Therefore, for this additional reason, applicant submits that Claim Nos. 2 and 37 are allowable over Skeen.

With regard to Claim No. 4, the Examiner concludes that Skeen teaches applying logic in an arbiter to move a first text file to a second scratch space, move the first set of information to the second scratch space or obtaining index information from the first text file and moving associated images into a storage repository. Applicant respectfully submits that nothing in Skeen teaches or suggests any such actions. According to Skeen, the communications interface must provide instructions for moving files between processes because the data files are decoupled from their processes. In comparison, according to the claimed invention, it is the first arbiter as implemented by the first process which moves the files which is possible in the present invention because the text files in the claimed invention contain address information.

As discussed above, Skeen uses a conventional communication interface to transfer files between the processes of various network resources, whereas the present invention uses the arbiter and text file system. Claim No. 17 clearly indicates that the arbiter which can be used for the implementing and applying steps is also used for moving the text file between the network resources. Accordingly, the use of the arbiter for moving the text file is different from the

communication interface of Skeen. The amendment to Claim No. 12 also further differentiates the claimed invention from Skeen. Skeen must use a central master control system to coordinate the communication of files or it would have no way of determining what format-specific table it should use when converting the formats of files. In comparison, the present invention uses the arbiter and text file system which does not require a central master control system, as recited in Claim Nos. 12, 39 and 42.

III. Rejections under 35 U.S.C. § 103

The Examiner has rejected Claim Nos. 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Skeen in view of U.S. Patent No. 5,692,048 (the "Gormish" patent).

As discussed above, applicant submits that Skeen fails to teach, disclose, or otherwise suggest the invention as recited in Claim No. 1. Additionally, since Skeen uses a conventional communication interface, even if encryption of the data file as taught by Gormish were performed in Skeen, a person of ordinary skill in the art would expect that the entire data file of Skeen would be encrypted and there is no reason that the data file in Skeen would then be transmitted to another scratch space. For these reasons, the combination of Gormish with Skeen fails to result in the invention as recited in Claim Nos. 15 and 16.

IV. Conclusion

Applicant respectfully submits that the independent claims are allowable over the prior art of record, including the cited references. For similar reasons, and for the additional reasons set forth above, Applicant urge that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

By: Dennis JM Donahue III, Reg. No. 43,591
Dennis Donahue & Associates, LLC
9648 Olive Blvd., No. 226
St. Louis, MO 63132
314-995-3977